

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,)
 Plaintiff,) **CRIMINAL ACTION NO.**
v.)
) **1:11-CR-239-1-CAP-ECS**
ADRIAN MARTINEZ-MONTANEZ,)
 Defendant.)

**MOTION FOR RE-SENTENCING UNDER UNITED STATES
SENTENCING GUIDELINES AMENDMENT 782**

COMES NOW Defendant Adrian Martinez-Montanez, by and through undersigned counsel, and hereby files this Motion for Re-sentencing Under United States Sentencing Guidelines Amendment 782. In support of this Motion, Defendant shows as follows:

1.

The United States Sentencing Commission promulgated Amendment 782, effective November 1, 2014, whereby the Commission lowered the penalties for most drug offenses by reducing offense levels on the Sentencing Guidelines Section 2D1.1 Drug Quantity Table by two levels.

2.

Under Amendment 788, Amendment 782 may be applied retroactively. A Court may evaluate the merits of a motion for a reduction of sentence at any time, but

“a court shall not order a reduced term of imprisonment based on Amendment 782 unless the effective date of the court’s order is November 1, 2015, or later.” U.S.S.G. § 1B1.10(e)(1).

2.

Defendant is eligible for re-sentencing because Amendment 782 lowers Defendant’s base offense level.

3.

Defendant was originally sentenced on April 25, 2013, to a term of 168 months imprisonment. Defendant did not face a mandatory minimum sentence.

4.

Defendant will defer to the United States Probation Office to make a preliminary re-calculation of the guidelines for purposes of re-sentencing

WHEREFORE, Defendant requests that this Court grant Defendant’s Motion for Re-Sentencing.

This 8th day of May, 2015.

Respectfully submitted,

/s/ Colette Resnik Steel
COLETTE RESNIK STEEL
GA Bar No. 601092
Attorney for Defendant

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CERTIFICATE OF SERVICE

I served this document today by filing it using the Court's CM / ECF system, which automatically notifies the parties and counsel of record.

**Ms. Lisa Tarvin
Office of United States Attorney
Northern District of Georgia
75 Spring Street, S.W.
600 United States Courthouse
Atlanta, GA 30303**

This 8th day of May, 2015.

Respectfully submitted,

/s/ Colette Resnik Steel
COLETTE RESNIK STEEL
GA Bar No. 601092
Attorney for Defendant